



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jack R. Wands et al.

Art Unit : 1633

Serial No. : 09/372,548

Examiner : S. Kaushal

Filed : August 11, 1999

Title : INHIBITION OF HEPATITIS B REPLICATION



Commissioner for Patents  
Washington, D.C. 20231

PETITION FOR TWO-MONTH EXTENSION OF TIME

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated November 6, 2000, be extended for two months to and including April 6, 2001.

This petition is being filed merely to keep the present application pending for the purposes of filing a divisional application.

It is noted that applicants do not concede on any issued raised by the Examiner in the action dated November 6, 2000 and that applicants reserve the right to prosecute the pending claims at a later date.

It is further noted that Scaglioni et al. (Virology 203:112-120, 1994) is not prior art to the current application. As stated on page 112 of Scaglioni, the manuscript was accepted on August 10, 1994. Consequently, Scaglioni could not have been available to the public prior to August 10, 1994. Since the earliest priority date to which the present application is entitled is June 20, 1995, before the one year anniversary of the date Scaglioni would have been available to the public, Scaglioni is not citable under 35 U.S.C. § 102(b). In regard to 35 U.S.C. § 102(a), it is noted that Scaglioni describes subject matter that is applicants' own, and therefore the reference is also not citable under § 102(a).

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 20, 2001

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

*Anne Micco*  
*Anne Micco*

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Attorney's Docket No.: 00786-282002 / MGH-0944.1  
Wands

Enclosed is a check for \$195 for the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3-20-01

John T. Li  
Reg. No. 44,210

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

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